

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MATTHEW NORRIS,	:	CIVIL ACTION
	:	
Plaintiff	:	No. 06-MC-24

MEMORANDUM AND ORDER

Plaintiff Matthew Norris, an inmate at Graterford prison, seeks to bring a civil action pursuant to 42 U.S.C. § 1983 in forma pauperis,¹ without prepayment of fees or security therefor. The Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (April 26, 1996) (the “Act”), which amends 28 U.S.C. § 1915, establishes certain financial requirements for prisoners who are attempting to bring a civil action or file an appeal in forma pauperis.

Under the Act, a prisoner bringing a civil action in forma pauperis must pay the full amount of the requisite \$150 filing fee. 28 U.S.C. § 1915(b)(1). The prisoner must submit a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the filing of his complaint so the Court can determine how the \$150 filing fee will be paid. 28 U.S.C. § 1915(a)(2). The prisoner must obtain this statement from the appropriate official of each prison at which he was or is confined. Id. The Court must then “assess [the prisoner’s financial status] and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of – (1) the average monthly deposits to the prisoner’s account; or (2) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint”

In this case, Mr. Norris has not filed a complaint, but rather initiated this case with a “Declaration in Support of a Temporary Restraining Order and Preliminary Injunction.”

¹ Suits brought in forma pauperis are governed by 28 U.S.C. § 1915.

Subsequent to filing this document, Mr. Norris filed his application to proceed in forma pauperis. Mr. Norris did not, however, attach to his in forma pauperis application a certified copy of his inmate trust fund account statement as is required by law.²

To seek properly a temporary restraining order or preliminary injunction, Mr. Norris must first file a Complaint naming the defendants against whom he wishes to file suit. If Mr. Norris seeks to file his Complaint in forma pauperis, he must submit a proper and complete in forma pauperis application which includes all necessary documentation. As a result of the absence of a complaint and the proper documentation to support his in forma pauperis application, the Application to Proceed In Forma Pauperis of Matthew Norris shall be denied without prejudice to its reassertion in accordance with the terms of the following Order.

S/Gene E.K. Pratter
Gene E.K. Pratter
United States District Judge

April 4, 2006

² Mr. Norris may also not be aware that he must pay the filing fee. Likewise, he may not realize that even if the full filing fee, or any part of it, has been paid, the Court may dismiss the case if the Court finds that the action is: (1) frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

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ORDER

AND NOW, this 4th day of April, 2006, upon consideration of the Application of Matthew Norris to Proceed In Forma Pauperis (Docket No. 3), it is **ORDERED** that the Application is **DENIED** without prejudice. If Mr. Norris files with the Court within twenty (20) days from the date of this Order a notice that he wishes to proceed with this action and submits a properly completed complaint and/or in forma pauperis application, thereby agreeing to obligate himself to pay the full \$150 filing fee, this action will be reinstated. The Clerk of Court shall **CLOSE** this case for statistical purposes.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge.